

A regular meeting of the Town of Avon was held on Thursday, March 24, 2022 at 6:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414.

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, Councilmen James Harrington, Malachy Coyne, and Paul Drozdziel

OTHERS: Code Enforcement Officer Brian Glise, Highway/Water Superintendent Thomas Crye, Attorney James Campbell, and Sharon M. Knight, MMC/RMC Town Clerk

VISITORS: Edward Forsythe

Supervisor LeFeber called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance.

Supervisor LeFeber stated that he would like to present an award that was presented last year to our retired Historian. It reads as follows:

*Landmark Society of Western New York  
Special Citation Award  
Maureen Kingston  
Town & Village of Avon Historian Emerita  
Avon, Livingston County, New York*

*The Landmark Society recognizes Maureen Kingston, with appreciation and gratitude, for her outstanding work as the official municipal historian of the Town and Village of Avon, New York for 40 years. Ms. Kingston combined her official municipal responsibilities with on-going advocacy about the benefits of historic preservation. A founding member of the Avon Historical and Preservation Society, she brought professionalism and commitment to her work, which had included numerous lectures, historic documentation, and special events planning. Although retired, Ms. Kingston continues her volunteer work at the Avon Historical and Preservation Society, where on-going archival and documentary projects are the focus of her activities. For her exceptional commitment to local history and historic preservation, The Landmark Society honors Maureen Kingston with this award.*

*Awarded December 12, 2021 by The Landmark Society of Western New York.*

*Wayne Goodman  
Executive Director*

*James Marasco  
President*

Historian Kingston stated the award was presented during a zoom meeting. Historian Mulligan reported that Maureen Kingston and Gail Settle continue to work in the Historian's Office. Historian Kingston stated she just does not know when to quit and had visited the Paper Mill Park and a list was made of items to be completed. She thanked the Board for their cooperation and support. She also thanked her lovely family for being in attendance. And shared her appreciation to our present Historian, who is doing a fabulous job.

#### **DISCUSSION – PUBLIC COMMENTS**

Supervisor LeFeber asked for public comments and there were none.

**RESOLUTION #86 APPROVAL OF MINUTES**

On motion of Councilman Harrington, seconded by Councilman Drozdziel the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of March 10, 2022 as presented by e-mail and to request they be published on the Town of Avon website at townofavon-ny.org.

**Vote of the Board: Councilman Drozdziel - Aye, Councilman Harrington - Aye, Councilman Coyne - Aye, Deputy Supervisor Mairs – Aye, Supervisor LeFeber – Aye**

**DISCUSSION – ATTORNEY REPORT**

Attorney Campbell provided the following update:

There was a big meeting with the Zoning Board of Appeals and Planning Board. Outstanding items from the meeting are:

The DG – Solar project application from Gary Wheat has outstanding comments from his Engineer.

The Oak Opening mine application public hearing has been closed for oral public comment and held open for written comments. A meeting is planned for the 4<sup>th</sup> of April and a decision is expected.

Attorney Campbell provided a copy of the following proposed local law:

LOCAL LAW NO. T-3A OF THE YEAR 2022  
OF THE TOWN OF AVON

A local law to amend the zoning district boundaries of a certain Parcel that partially lies within that zoning district known as General Business District (B1) and partially within that zoning district known as Agricultural District (A), so that all of such Parcel will hereafter be located within the General Business District (B1) within the Town of Avon, Livingston County, New York.

Be it enacted by the Town Board of the Town of Avon as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A LOCAL LAW TO AMEND THE ZONING DISTRICT BOUNDARIES OF A CERTAIN PARCEL THAT PARTIALLY LIES WITHIN THAT ZONING DISTRICT KNOWN AS GENERAL BUSINESS DISTRICT (B1) AND PARTIALLY WITHIN THAT ZONING DISTRICT KNOWN AS AGRICULTURAL DISTRICT (A), SO THAT ALL OF SUCH PARCEL WILL HEREAFTER BE LOCATED WITHIN THE GENERAL BUSINESS DISTRICT (B1) WITHIN THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK.”

#### SECTION 2. PURPOSE.

The purpose of this local law is to modify the boundaries of a certain zoning district currently known as Agricultural (A) within the Town, changing such certain specified area to a zoning classification of General Business District (B1), thereby also changing the boundaries of the General Business District (B1) within the Town.

#### SECTION 3. LOCATION OF MODIFIED ZONING DESIGNATION.

The area that is affected by the modified zoning classification is a parcel known as 1839 Lakeville Road, Town of Avon, County of Livingston and State of New York, also being known as Tax Identifier Map Parcel No. 35.-1-33.1, said parcel being more particularly described as follows: Beginning at a point along the easterly right-of-way line of NYS Route 15 which is approximately 2,043 +/-feet south of the southerly highway right-of-way line NYS Routes 5 & 20 at its point of intersection with the easterly right-of-way line of NYS Route 15, said point also being the southwesterly point of the property designated and known as Tax Identifier Map Parcel No. 35.-1-33.21, said point being the true point and place of beginning: thence easterly along the southerly line of Tax Identifier Map Parcel No. 35.-1-33.21 a distance of 453.7 +/- to a point, said point being the northeasterly corner of Tax Identifier Map Parcel Number 35.-1-33.1; thence southerly along the easterly boundary line of Tax Identifier Map Parcel No. 35.-1-33.1, a distance of 160 +/- feet to a point along the northerly boundary line of Tax Identifier Map Parcel No. 35.-1-32; thence westerly along the northerly boundary line of Tax Identifier Map Parcel No. 35.-1-32, a distance of 453.3 +/- feet to a point along the easterly right-of-way line of New York State Route 15; thence northerly along the easterly right-of-way line of NYS Route 15 a distance of 162 +/- feet to the point of beginning. Intending to describe the entirety of Tax Identifier Map Parcel Number 35.-1-33.1, which is approximately 1.54 acres in area. Said parcel is currently partially classified as General Business District (B1) and partially classified as Agricultural (A) and the whole of such parcel shall hereby be reclassified to a zoning classification of General Business (B1), and the official Zoning Map of the Town of Avon shall be amended to reflect such reclassification and the change of boundaries of the respective zoning districts (although not contemporaneously with the adoption of this Local Law).

#### SECTION 4. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.

The referral was provided to the County Planning Board for their agenda.

A notice to surrounding municipalities by the Town Clerk will be required. The Board took the following action.

A public hearing notice will be provided to the Town Clerk by Attorney Campbell.

**RESOLUTION #87 SCHEDULE PUBLIC HEARING FOR LOCAL LAW T-3A-2022**

On motion of Supervisor LeFeber, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to schedule a public hearing for April 28, 2022 a 6:15 P.M. at the Avon Town Hall/Opera Block.

**Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**DISCUSSION – CODE DEPARTMENT REPORT**

Code Enforcement Officer Glise provided the following written report:

**DEPARTMENTAL REPORT  
BUILDING & ZONING  
DECEMBER 28, 2021 - MARCH 21, 2022**

**The following Building Permits were issued during the time period**

**December 28, 2021 - March 21, 2022**

2021-0143	Grodis	water heater	12/28/2021	\$40.00
2021-0144	Hernandex	wood stove	12/30/2021	\$40.00
2022-0001	Rio	deck	1/10/2022	\$50.00
2022-0002	Rio	addition	1/10/2022	\$100.80
2022-0005	Housel	re-roof	1/18/2022	\$40.00
2022-0006	Partyman	interior renovations	1/25/2022	\$360.00
2022-0007	Washburn	shed	1/25/2022	\$50.00
2022-0008	Espersen	generator	1/26/2022	\$40.00
2022-0009	Re	furnance	1/27/2022	\$40.00
2022-0010	Noyes	sign	2/2/2022	\$158.00
2022-0011	Rothfuss	pellet stove	2/14/2022	\$40.00
2022-0012	Butler	re-roof, interior renovations	2/17/2022	\$120.64
2022-0013	Twin Ceders	mobile home	2/17/2022	\$200.00
2022-0014	Twin Ceders	mobile home	2/17/2022	\$200.00
2022-0015	Twin Ceders	mobile home	2/17/2022	\$200.00
2022-0016	Twin Ceders	mobile home	2/17/2022	\$200.00
2022-0017	Twin Ceders	mobile home	2/17/2022	\$200.00

2022-0018	Gales	fence	2/24/2022	\$30.00
2022-0019	Twin Cedars	mobile home	2/24/2022	\$200.00
2020-0020	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0021	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0022	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0023	Twin Cedars	mobile home	2/24/2022	\$201.60
2022-0024	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0025	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0026	Twin Cedars	mobile home	2/24/2022	\$201.60
2022-0027	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0028	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0029	Twin Cedars	mobile home	2/24/2022	\$201.60
2022-0030	Twin Cedars	mobile home	2/24/2022	\$201.60
2022-0031	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0032	Twin Cedars	mobile home	2/24/2022	\$201.60
2022-0033	Twin Cedars	mobile home	2/24/2022	\$200.00
2022-0034	Swan Properties	renovations	3/3/2022	\$160.00
2022-0035	Cohen	master bath addition	3/3/2022	\$75.00
2022-0036	Re	front porch	3/16/2022	\$50.00

**TOTAL PERMIT FEES FOR TIME PERIOD**

\$5,402.44

**FEES OUTSTANDING FOR TIME PERIOD**

\$0.00

**TOTAL FEES COLLECTED**

\$5,402.44

**The following are permits currently renewed for one year:**

- Peter Farr, #2019-0012 - garage addition - expires 4/4/2022
- Uwe Gaiser, #2019-A510054 - pole barn - expires 7/30/2022
- Avon Solar Farm, #2020-0017 - solar array farm - expires 4/13/2022
- Andrew Pike, #2020-0022 - sign - expires 5/5/2022
- Andrew Pike, #2020-0023 - privacy fence - expires 5/11/2022
- Twin Cedars of Avon, #2020-0081 - new mobile home - expires 8/26/2022
- Twin Cedars of Avon, #2020-0122 - new mobile home - expires 10/10/2022

**The following are projects/permits currently working on:**

- Piranha on Tec Drive to begin Phase II of project and adding 2 more Flex Buildings - APPROVED 2/21/2022
- 2 new applications for solar arrays - Starkey/Wolcott Drive, Lake Road - STILL IN PROGRESS
- White Horse site plan for changes to current lot and adding another lot on West Henrietta Rd. - STILL IN PROGRESS
- Dutch Hollow Liquor store - site plan approval for renovations

**of building for liquor store - APPROVED**

**The following actions occur on a daily basis in the code office:**

- processing all paperwork through the correct channels on a timely basis
- clean up of outstanding permits, violations and Laserfiche filing system

Code Enforcement Officer Glise also reported:

He completed his twenty-four hours of training and is approved for another year.

Rochester Street solar field is moving forward, and their water issues have been taken care of temporally.

**DISCUSSION – HIGHWAY/WATER DEPARTMENT REPORT**

Highway/Water Superintendent Crye provided the following report:

Snow removal, cutting trees and brush, restocked the salt shed, garbage pickup, wind damage, snow fence, rolled the highway barn lawn, and will be working on cemeteries.

Everyday water maintenance and sampling, GIS, and underwater solutions tank inspection.

**RESOLUTION #88 APPROVAL OF AGREEMENT TO SPEND TOWN HIGHWAY FUNDS**

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve the Agreement to Spend Town Highway Funds as follows:

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

2022

TOWN OF [REDACTED]

COUNTY OF Livingston

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, shall be expended as follows:

CHIPS  
185,000.00 + 140,000.00 = 325,000.00

1. GENERAL REPAIRS. The sum of \$ \_\_\_\_\_ may be expended for general repairs upon 44 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. IMPROVEMENTS. The following sums shall be set aside to be expended for the improvement of town highways:

LAKE RD

(a) On the road commencing at Genesee St. and leading to Polebridge RD., a distance of 1 mi. miles. there shall be expended not over the sum of \$ 92,000.00  
Type 1 1/2" 3" Poly mod Top Width of traveled surface 24 FT  
Thickness 1 1/2 Subbase \_\_\_\_\_

DUTCH Hollow

(b) On the road commencing at 5+20 and leading to BRONSON Hill, a distance of 1.94 miles. there shall be expended not over the sum of \$ 79,000.00  
Type Fib Width of traveled surface 22 FT.  
Thickness 3/8 Subbase \_\_\_\_\_

AGAR

(c) On the road commencing at RT 15 and leading to Polebridge, a distance of 1.38 miles. there shall be expended not over the sum of \$ 30,462.45  
Type Oil + Stone Width of traveled surface 23 FT.  
Thickness 3/8 Subbase \_\_\_\_\_

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements until the Town Superintendent approves the plans, specifications and estimates for such construction.

This agreement shall take effect when it is approved by the Town Board.

Executed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

David Weber  
Supervisor  
[Signature]  
Councilperson  
[Signature]  
Councilperson

Malcolm E. Coyne  
Councilperson  
[Signature]  
Councilperson  
[Signature]  
Town Highway Superintendent

Note: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's office and one in the County Highway Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY

Oil + Stone - Littleville - 29,000.00  
 Henty - 20,000.00  
 SAVON - 37,000.00

Other

- Cracksealing - 25,000  
 - P, Re Changes 12,000  
 - Wedgem 10,000  
 - Stop Stone Restock - 15,000  
 - Cold Patch 1,500

**Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**DISCUSSION – TOWN CLERK REPORT**

Town Clerk Knight confirmed the Board received her report. It was a day late as she was waiting to hear if a scholarship application was awarded. It was great news; Deputy Town Clerk Zapf received the grant from fellow Clerks recognizing her contributions to the Town of Avon and sharing her knowledge with fellow Clerks.

A proposal was received today from Hurricane Technology to provide the Town Clerk's office with a separate computer to complete banking as recommended by the Association of Towns. Prior Board discussions included ways for hackers to gain access to Town records. Board discussion ensued regarding the limited transferring of money, and it was determined that there is low exposure to the Town and therefore not recommended to purchase.

**DISCUSSION – ENGINEER DEPARTMENT REPORT**

MRB Group Engineer David Willard was not in attendance.

**DISCUSSION – SUPERVISOR REPORT**

Supervisor LeFeber reported on the Counties interest in providing residents with high-speed internet. He recommended the formation of a committee to review the map of the Town of Avon service areas and available service. Visitor Forsythe was asked to serve on the committee, and he agreed and shared his experience in this area.



**DISCUSSION – ACCEPTING THE CLAIMS**

Councilman Harrington question two items. The Court Clerk’s hours working for the Village and the possibility of using one trash hauler.

**RESOLUTION #89 ACCEPT THE CLAIMS**

On motion of Councilman Harrington, seconded by Councilman Coyne the following resolution was AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2022-06 in the following amounts:

<b>General Fund</b>	Amounts totaling \$4,175.67
<b>Highway Fund</b>	Amounts totaling \$3,534.97
<b>Water Fund</b>	Amounts totaling \$238.00

**Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**DISCUSSION – THIRD FLOOR PUBLIC BID OVERVIEW**

Councilman Drozdziel updated the Board on the bids for the third floor and provided information of the bids received as well as other documentation:

BIDDER	BASE BID AMOUNT	BID ALT. NO. 1 Master Plan	BID ALT. NO. 2 FA Panel	BID ALT. NO. 3 BMS	Total with Alternate No. 1	Total with Alternate No. 1 + 2	Total with Alternate No. 1+2+3	Total with All Alternates
Steve General Contractor Inc.	\$ 1,812,000.00	\$ 390,000.00			\$ 2,202,000.00	\$ 2,202,000.00	\$ 2,202,000.00	\$ 2,202,000.00
UDN, Inc.	\$ 1,764,700.00	\$ 387,000.00			\$ 2,151,700.00	\$ 2,151,700.00	\$ 2,151,700.00	\$ 2,151,700.00
Whitney East Inc.	\$ 1,614,000.00	\$ 380,000.00			\$ 1,994,000.00	\$ 1,994,000.00	\$ 1,994,000.00	\$ 1,994,000.00
LMC	\$ 120,988.00	\$ 5,986.00			\$ 126,974.00	\$ 126,974.00	\$ 126,974.00	\$ 126,974.00
LMC	\$ 144,208.00	\$ 28,218.00		\$65,000.00	\$ 172,426.00	\$ 172,426.00	\$ 237,426.00	\$ 237,426.00
Erie Electric	\$ 210,224.00	\$ 155,057.00	\$9,500.00		\$ 365,281.00	\$ 374,781.00	\$ 374,781.00	\$ 374,781.00

Although the estimates are 30% higher for the third floor and 40% higher for the Master Plan, any future projected cost are expected to increase further. The Board appeared to support Councilman Drozdziel is continuing to move forward gathering the necessary information including MWBE, submitting to the State for approval and then waiting the twenty days for the State's response with their approval or request for additional information. The Board will continue to search for financial support including Representatives in Albany and Washington.

Attorney Campbell will work with Bond Council to increase the BOND to include the expected additional costs. The goal continues to work towards not borrowing dollars for the project.

Supervisor LeFeber stated that the Town is stable financially, we have recently upgraded our computers and our roads are in good shape. The generator is coming. The Board discussed that this project is to improve our physical fixed assets of the Town adding value to our property, it provides safety for our employees, and provides space for open meetings and transparency. Other smaller projects such as improvements to parking lot may need to be put on hold.

### **RESOLUTION #90 AUTHORIZE SUPERVISOR LEFEBER TO SIGN**

On motion of Deputy Supervisor Mairs, seconded by Councilman Harrington the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve Supervisor LeFeber sign an additional grant application in the amount of \$50,000.00 that is due on the March 31, 2022.

**Vote of the Board: Councilman Drozdziel – Aye, Councilman Coyne- Aye, Councilman Harrington - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

### **DISCUSSION - OPEN ITEMS**

Councilman Harrington opened the discussion on the birthday of Ruth Weden and requested Town Clerk Knight send a card and purchase a large cake and celebrate at the Town Hall/Opera Block at 10:00 A.M. on the March 28, 2022.

### **DISCUSSION – VISITOR COMMENTS**

Supervisor LeFeber asked for any visitor comments and there were none.

On motion of Councilman Harrington, seconded by Councilman Coyne the meeting was adjourned at 6:55 P.M.

Respectfully submitted by:

\_\_\_\_\_  
Sharon M. Knight, MMC/RMC Town Clerk